

JOSHUA E. KIRSCH (179110)
GIBSON ROBB & LINDH LLP
1255 Powell Street
Emeryville, California 94608
Telephone: (415) 348-6000
Facsimile: (415) 348-6001
Email: jkirsch@gibsonrobb.com

Attorneys for Plaintiff
GREAT AMERICAN INSURANCE COMPANY

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

GREAT AMERICAN INSURANCE
COMPANY, a corporation;

Plaintiff,

v.

ITL USA INC., a corporation; and
DOES 1 to 10;

Defendants.

Case No. 2:21-cv-08491

**COMPLAINT FOR DAMAGE TO
OCEAN CARGO**

(Damages in the sum of \$105,107.20)

Plaintiff's complaint follows:

1. Plaintiff GREAT AMERICAN INSURANCE COMPANY ("GAIC"), is now, and at all times herein material was, a corporation, duly organized and existing by virtue of law. GAIC is a citizen of the state of Ohio and was the insurer of the cargo that is the subject of this action.

2. Plaintiff is informed and believes, and on the basis of that information and belief alleges, that ITL USA INC., a corporation; and DOES ONE through TEN, (hereafter "Defendants"), are now and at all times herein material were engaged in business as common carriers for hire within the United States and within

1 this judicial district.

2 3. The true names of defendants sued herein as DOES ONE through TEN,
3 each of whom is responsible for the events and matters herein referred to, and each
4 of whom caused or contributed to the damage herein complained of, are unknown to
5 Plaintiff, who therefore sues said defendants by such fictitious names. Plaintiff will
6 amend its complaint to show the true names of said defendants when the same have
7 been ascertained.

8 4. Plaintiff's complaint contains a cause of action for non-delivery of
9 cargo arising under a statute of the United States, namely the Carriage of Goods by
10 Sea Act, 46 U.S.C. 30701, *et seq.*, and is therefore within the jurisdiction of this
11 Court pursuant to 28 U.S.C. § 1331, as more fully appears herein. Additionally, the
12 Court has admiralty jurisdiction pursuant to 28 U.S.C. § 1333. Venue is proper
13 under 28 U.S.C. § 1391(b).

14 5. This is a cause of action for damage to ocean cargo, and is an admiralty
15 and maritime claim within the meaning of Rule 9(h), Federal Rules of Civil
16 Procedure, as hereinafter more fully appears.

17 6. Plaintiff is informed and believes, and on the basis of such information
18 and belief alleges that, on or about November 5, 2020, at Ho Chi Minh City,
19 Vietnam, Defendants, and each of them, received a shipment of 394 cartons
20 containing furniture pieces for carriage under bill of lading number
21 SGLGB2011167, and others, issued by and/or on behalf of said defendants.
22 Defendants, and each of them, agreed, under contracts of carriage and in return for
23 good and valuable consideration, to carry said cargo from Ho Chi Minh City,
24 Vietnam to Long Beach, California, and there deliver said cargo to the lawful holder
25 of the aforementioned bill of lading, and others, in the same good order, condition,
26 and quantity as when received.

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